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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR-11-00329 SBA
)	
Plaintiff,)	STIPULATED REQUEST TO CONTINUE
)	HEARING DATE TO SEPTEMBER 27,
v.)	2011 AND TO EXCLUDE TIME UNDER
)	THE SPEEDY TRIAL ACT AND
)	[PROPOSED] ORDER
DUSTIN MICHAEL BURT,)	
)	
Defendant.)	Hearing Date: September 13, 2011
)	Time: 10:00 a.m.
)	

The above-captioned matter is set on September 13, 2011 before this Court for a status hearing. The parties jointly request that the Court continue the matter to September 27, 2011, at 10:00 a.m., and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), between September 13, 2011 and September 27, 2011.

On May 19, 2011, the Grand Jury charged Mr. Burt with two counts of bank robbery in violation of 18 U.S.C. § 2113(a). Mr. Burt was arraigned on the Indictment on May 20, 2011. He faces a maximum sentence of 20 years on each count.

The government produced discovery to the defense on May 31, 2011. Defense counsel has reviewed the discovery but the defense requires additional time to investigate the two bank robberies that are charged in this case and to collect Mr. Burt's prior conviction records to

1 prepare an estimate of his anticipated Guidelines range. Additionally, defense counsel needs
2 additional time to research a potential motion based on a challenge to eye-witness identifications
3 that were made in this case. Finally, defense counsel will be out-of-town and unavailable from
4 September 9 through and including September 13, 2011, and will not be in a position to work on
5 this case during that time frame.

6 Because the requested continuance will allow the defense to investigate the underlying
7 facts of the case, to obtain and review records and to research possible motions, the parties agree
8 that the failure to grant this continuance would unreasonably deny counsel for defendant the
9 reasonable time necessary for effective preparation, taking into account the exercise of due
10 diligence. The parties also agree that because of defense counsel's unavailability between
11 September 9 through the 13th, the failure to grant this continuance would unreasonably deny
12 defendant continuity of counsel.

13 The parties further stipulate and agree that the ends of justice served by this continuance
14 outweigh the best interest of the public and the defendant in a speedy trial. Accordingly, the
15 parties agree that the period of time from September 13, 2011 until September 27, 2011, should
16 be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§
17 3161(h)(7)(A) and (B)(iv), for continuity of defense counsel and also for effective preparation of
18 defense counsel, taking into account the exercise of due diligence.

19
20 DATED: September 7, 2011

/S/
BRIAN C. LEWIS
Assistant United States Attorney

21
22 DATED: September 7, 2011

/S/
ANGELA M. HANSEN
Assistant Federal Public Defender

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby
FINDS:

1. Given that the government has produced discovery in this case and that the defense needs additional time to investigate the underlying facts of the case and to obtain records to calculate defendant's sentencing Guidelines range;

2. Given that the defense needs additional time to research potential pre-trial motions regarding eye-witness identification;


3. Given that these above-listed tasks are necessary to the defense preparation of the case and that the failure to grant the requested continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence;

4. Given that defense counsel will be out of town and unavailable from September 9, 2011 through September 13, 2011, and will not be in a position to work on this case during those dates, and that the failure to grant this continuance would unreasonably deny defendant continuity of counsel;

5. Given that the ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy trial;

Based on these findings, IT IS HEREBY ORDERED that the STATUS date of September 13, 2011, scheduled at 10:00 a.m., before the Honorable Saundra Brown Armstrong, is vacated and reset for September 27, 2011, at 10:00 a.m. It is FURTHER ORDERED that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), from September 13, 2011 until September 27, 2011.

DATED: 9/7/11


HON. SAUNDRA BROWN ARMSTRONG
United States District Judge